

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Z-Tel Communications, Inc.	:	
-vs-	:	
Illinois Bell Telephone Company	:	
(Ameritech Illinois)	:	02-0160
	:	
Verified Complaint and Request for	:	
Emergency Relief Pursuant to Sections	:	
13-514, 13-515 and 13-516 of the Illinois	:	
Public Utilities Act.	:	

AMENDATORY ORDER

By the Commission:

On February 27, 2002, the Illinois Commerce Commission ("Commission") entered an Order in this proceeding. In that Order, the Commission directed Ameritech to delay sending its Winback materials for 15 days after an Ameritech customer switches to Z-Tel as signaled by the EDI 865 Completion Notice. Ameritech filed an Emergency Motion for Clarification on March 11, 2002. In that Motion, Ameritech contends that Ameritech retail does not receive an 865 Completion Notice. Therefore, it argues the relief granted is not technically feasible as required by Section 13-515 of the Public Utilities Act. Ameritech proposes in its Motion that the Order be amended to require Ameritech to delay Winback marketing efforts for 17 days after the date of disconnect of its service. This includes the 15 days contemplated in the original order, plus the two days generally required for the sending of an 865 Completion Notice to a competitive carrier.

In its Response to Ameritech's Motion, Z-Tel disagrees with Ameritech's interpretation of the Commission's Order. Z-Tel interprets the Order as requiring Ameritech to rely on an 865 Completion Notice before sending marketing materials. If Ameritech does not have a process for 865 Completion Notices, then Z-Tel believes that no marketing should be sent until such time as Ameritech retail receives 865 Completion Notices. Z-Tel also contends that Ameritech's proposal allows it to send Winback material after a customer is disconnected, without waiting until a new line is installed and the Line Loss Notice is generated.

In Staff's Response to Ameritech's Motion, it indicated that it does not object to Ameritech's proposal for purposes of the emergency relief granted and reserves the right to make alternate proposals in this proceeding.

Until a complete record can be developed, we adopt the modification to the emergency relief granted as proposed in Ameritech's Motion. In order to clarify our Order entered on February 27, 2002, the Order should be amended as follows:

We find that granting emergency relief and delaying Ameritech's solicitation of Z-Tel's customers for 1745 days, will enhance local competition and provide a benefit to the public. This is the overriding goal articulated by the General Assembly, and we will not prevent that goal from implementation by allowing Ameritech to provide faulty Line Loss Notice to Z-Tel, while at the same time using more favorable Line Loss information to market to Z-Tel's customers. Thus, Z-Tel has sustained its burden, for this third prong, in showing that an order for emergency relief is in the public interest. (Order, p. 6)

Based upon the above analysis, the Commission concludes that granting Z-Tel's request for emergency relief, albeit modified from Complainant's request, is appropriate. Therefore, pending the final outcome of Z-Tel's Complaint, Ameritech should be precluded from using Line Loss Notifications to market Z-Tel's customers until 1745 days after the date that a customer disconnects from Ameritech's service. ~~loses that customer to Z-Tel as signaled by the EDI 865 Completion notice.~~ We believe that this interim relief will help to level the competitive use of Line Loss Notifications for marketing purposes. (Order, p. 7)

(5) Ameritech is ordered to not solicit Z-Tel customers through Winback mailings, telemarketing efforts, or through its channel sales representatives for 1745 days from the date that ~~an Ameritech customer~~ disconnects from Ameritech's service switches to Z-Tel as signaled by the EDI 865 Completion Notice; this shall not prevent Ameritech from accepting new orders from Z-Tel customers. (Order, p. 8)

IT IS FURTHER ORDERED that Ameritech not solicit Z-Tel customers through Winback mailings, telemarketing efforts, or through its channel sales representatives for 1745 days from the date that ~~an Ameritech customer~~ disconnects from Ameritech's service switches to Z-Tel as signaled by the EDI 865 Completion Notice. (Order, p. 8).

IT IS THEREFORE ORDERED that the Order entered by the Commission on February 27, 2002 is hereby amended as noted herein. In all other respects, the Order remains the same and in full force and effect.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. 200.880, this order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 13th day of March, 2002.

Chairman